IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No.2880 of 2005

Ambrish S Kapadia .. Petitioner.

Vs

State of Maharashtra and anr. Respondents

Mr C.K.Pendse for the petitioner
Mr M.S. Mhambrey APP for the State .
Ms Manjula Rao for respondent No. 2

CORAM: H.S. BEDI, C.J. ,

DATE: December 1, 2006.

P.C.:-

Heard the learned counsel for the parties at some length. The case of the petitioner is that he was entitled to claim a de-novo trial in proceedings under section 138 of the Negotiable Instruments Act. An application to this effect has been dismissed by the impugned order dated 8th November, 2005 for the reasons mentioned therein. The learned counsel for the petitioner very fairly and at the very outset pointed out that the matter was concluded against him by a Single Judge Bench judgment in Criminal Revision Application No. 252 of 2005 (Shivaji Sampat Jagtap vs. Rajan Hiralal Arora and anr) decided on 11th August, 2006, but tried to distinguish this case and has urged that in the event it did apply, it required

reconsideration. I find, however, that the view taken in this judgment is supported by decisions on identical matters by three other High Courts; Andhra Pradesh, Rajasthan, and Patna. In this view of the matter I am not inclined to take a different view in the matter.

Petition is accordingly dismissed.

CHIEF JUSTICE